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10/667,406

09/23/2003

Jodi Kremerman

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DR. MARK FRIEDMAN LTD.

C/o Bill Polkinghorn

Discovery Dispatch

9003 Florin Way

Upper Marlboro, MD 20772

EXAMINER

FRISBY, KESHA

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,406

Applicant(s)

KREMERMANN, JODI

Examiner

Kesha Frisby

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/23/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 112***

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner as to what "a real object" is. The examiner is confused as to what the difference is between "a real object" and "said object" in this claim. The examiner would like for the applicant to provide some clarification so that this claim can be better understood.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 6, 9, 10, 14, 17 & 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Renney (U.S. Patent Number 5,939,981).**

Referring to claim 1, Renney discloses (a) a plurality of objects for hiding, each of said objects having emitters (abstract: multiple sensors/chips which are applied to objects the user desires to locate), and (b) a control unit (hand held device) including: (i) a control panel having a plurality of activators, each activator of said activators having an associative figure disposed on said control panel and having an association with a particular object of said objects (Fig. 1A and the associated text); (ii) a signal producer, operatively connected to said activators (abstract: when a preselected button is depressed & radio/electronic signal), and (iii) a transmission mechanism for transmitting said signals to said objects (abstract: a transmitter sends signal), wherein each particular one of said activators, when selected (abstract: when a preselected button is depressed), activates a corresponding one of said emitters (abstract: multiple sensors/chips), via said signal producer and said transmission mechanism, so as to produce a sound associated with said associative figure disposed on said control panel (abstract: audio tone).

Referring to claim 2, Renney discloses wherein each of said activators is selected by the player (abstract: when a preselected button is depressed).

Referring to claim 3, Renney discloses wherein the player utilizes said associative sound to locate said object (column 9 lines 26-31).

Referring to claim 4, Renney discloses wherein said association is a shape association, such that said associative figure substantially matches a shape of said particular object (The examiner views this limitation as the shape on the locator button, for example, glasses matches the shape of the glasses that need to be located).

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Referring to claim 6, Renney discloses each said object is selected from the group of objects consisting of toy animals, colors, numbers, shapes, and letters (column 1 lines 11-15).

Referring to claim 9, Renney discloses wherein said activator on said control panel is an associated figure associated with said object (Fig. 1A: for example, the glasses on the control panel represent what needs to be located).

Referring to claim 10, Renney discloses wherein said associated figure associated with said object is disposed on said activator (Fig. 1A: the figures located on the locator buttons).

Referring to claim 14, Renney discloses wherein said sound associated with said associative figure is substantially a sound emitted by a real object represented by said object (abstract: the sound comes from each receiver).

Referring to claim 17, Renney discloses wherein said sound associated with said associative figure is a hint pertaining to said object (abstract: the tones become louder the closer the hand held device is to the desired multiple sensors/chip).

Referring to claim 19, Renney discloses (a) providing a game system including:

- (i) a plurality of objects for hiding, each of said objects having emitters (abstract: multiple sensors/chips which are applied to objects the user desires to locate),
- (ii) a control unit (hand held device) including: (A) a control panel having a plurality of activators, each activator of said activators having an associative figure disposed on said control panel and having an association with a particular object of said objects (Fig. 1A and the associated text); (B) a signal producer, operatively connected to said

activators (abstract: when a preselected button is depressed & radio/electronic signal), and (C) a transmission mechanism for transmitting said signals to said objects (abstract: a transmitter sends signal), and (b) activating the element, using said activator (abstract: when a preselected button is depressed), so as to produce an associative sound, each said sound associated with said associative figure disposed on said control panel (abstract: audio tone).

Referring to claim 20, Renney discloses wherein step (b) is performed by the player (abstract: when a preselected button is depressed).

Referring to claim 21, Renney discloses further comprising the step of: (c) utilizing said associative sound to locate said particular object (abstract: the tones become louder the closer the hand held device is to the desired multiple sensors/chip).

Referring to claim 22, Renney discloses wherein each said object is selected from the group of objects consisting of: toy animals, colors, numbers, shapes, and letters (column 1 lines 11-15).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 5, 7, 8, 12, 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renney in view of Love (U.S. Patent Number 6,554,616).**

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Referring to claim 5, Renney discloses the game system of claim 4. *Renney does not disclose wherein said sound associated with said associative figure is based on a name of said shape.* Renney does disclose a speaker that allows sound to come from it.

However, Love teaches wherein said sound associated with said associative figure is based on a name of said shape (column 5 lines 42-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said sound associated with said associative figure is based on a name of said shape, as disclosed by Love, incorporated into Renney in order to emit the name of the shape.

Referring to claim 6, Renney discloses the game system of claim 1. *Renney does not disclose wherein said association is a color association, such that a color of said associative figure substantially matches a color of said particular object.* However, Love teaches wherein said association is a color association, such that a color of said associative figure substantially matches a color of said particular object (column 5 lines 34-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said association is a color association, such that a color of said associative figure substantially matches a color of said particular object, as disclosed by Love, incorporated into Renney in order to emit the name of the color twice in the foreign language and twice in English.

Referring to claim 8, Renney, as modified by Love, teaches wherein said sound associated with said associative figure is based on a name of said color (column 5 lines 34-40).

Referring to claim 12, Renney discloses the game system of claim 2. *Renney does not disclose wherein said sound associated with said associative figure is a name of said object.* However, Love teaches wherein said sound associated with said associative figure is a name of said object (column 5 lines 42-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein said sound associated with said associative figure is a name of said object, as disclosed by Love, incorporated into Renney in order to emit the name of the shape.

Referring to claim 23, Renney discloses the method of claim 19. *Renney does not disclose further comprising the step of: (c) acquiring associative knowledge by association of said associative figure disposed on said control panel, with said associative sound.* However, Love teaches further comprising the step of: (c) acquiring associative knowledge by association of said associative figure disposed on said control panel, with said associative sound (column 5 lines 35-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include further comprising the step of: (c) acquiring associative knowledge by association of said associative figure disposed on said control panel, with said associative sound, as disclosed by Love, incorporated into Renney in order to emit the name of the color twice in the foreign language and twice in English.

Referring to claim 24, Renney, as modified by Love, teaches further comprising the step of: (d) associating said associative sound and said particular object, so as to reinforce said associative knowledge (column 5 lines 35-57)..



**7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renney.**

Referring to claim 11, Renney discloses the game system of claim 2 and wherein said associated figure associated with said object is disposed on said activator. *Renney does not disclose wherein said associated figure associated with said object is disposed adjacent to said activator.* It would have been obvious to one having ordinary skill in the art at the time the invention was made to have to object disposed adjacent to said activator, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70.*

**8. Claims 13, 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renney in view of Frazer et al. (U.S. Patent Number 4,604,065).**

Referring to claim 13, Renney discloses the game system of claim 12. *Renney does not disclose wherein said sound associated with said associative figure is an audible spelling of said name of said object.* However, Frazer et al. teaches wherein said sound associated with said associative figure is an audible spelling of said name of said object (column 3 lines 23-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said sound associated with said associative figure is an audible spelling of said name of said object, as disclosed by Frazer et al., incorporated into Renney in order to teach spelling.

Referring to claim 15, Renney discloses the game system of claim 12. *Renney does not disclose wherein said sound associated with said associative figure is an audible spelling of said name of said object.* However, Frazer et al. teaches wherein said sound

associated with said associative figure is an audible spelling of said name of said object (column 3 lines 23-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said sound associated with said associative figure is an audible spelling of said name of said object, as disclosed by Frazer et al., incorporated into Renney in order to teach spelling.

Referring to claim 16, Renney discloses the game system of claim 2. *Renney does not disclose wherein said sound associated with said associative figure is a spelling of a sound emitted by a real object represented by said object.* However, Frazer et al. teaches wherein said sound associated with said associative figure is a spelling of a sound emitted by a real object represented by said object (column 3 lines 23-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said sound associated with said associative figure is a spelling of a sound emitted by a real object represented by said object, as disclosed by Frazer et al., incorporated into Renney in order to teach spelling.

**9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renney in view of Golfarb (U.S. Patent Number 5,145,447).**

Referring to claim 18, Renney discloses the game system of claim 2. *Renney does not disclose wherein said sound associated with said associative figure is at least part of a song pertaining to said object.* However, Golfarb teaches wherein said sound associated with said associative figure is at least part of a song pertaining to said object (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein said sound associated with said associative

figure is at least part of a song pertaining to said object, as disclosed by Golfarb, incorporated into Renney so that children can associate the song or poem with the object.

### ***Citation of Pertinent Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goodwin (U.S. Patent Number 6,979,245) teaches a puzzle apparatus with audio sounds where actuator buttons have figured disposed on them.

Mirando (U.S. Patent Number 5,411,271) teaches an electronic video match game.

Rehkemper (U.S. Patent Number 6,638,168) teaches a sound elimination game and apparatus.

Lebensfeld et al. (U.S. Patent Number 6,311,982) teaches a hide and find toy game.

Conte et al. (U.S. Publication Number 2002/0014742) teaches an enhanced hide and seek game and method of playing game.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyf  
Kyf 8/2/2006

  
ROBERT P. OLSZEWSKI  
ADVISORY PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER 202 3700